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BEFORE THE ARIZONA CORPORATION COMMISSION

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DOCKETED

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

MAR 3 2017

DOCKETED BY
GB

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED
POWER PROCUREMENT AUDITS FOR ARIZONA
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER
MODIFYING FILING DEADLINES

BY THE COMMISSION:

On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application.

Parties to this docket are APS, the Commission’s Utilities Division (“Staff”), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC (“IO”); Freeport Minerals Corporation (“Freeport”); Arizonans for Electric Choice and Competition (“AECC”); Sun City Home Owners Association (“Sun City HOA”); Western Resource Advocates (“WRA”); Arizona Investment Council (“AIC”); Arizona Utility Ratepayer Alliance (“AURA”); Property Owners and Residents Association of Sun City West (“PORA”); Arizona Solar Energy Industries Association (“AriSEIA”); Arizona School Boards Association (“ASBA”) and Arizona Association of School Business Officials (“AASBO”) (collectively “ASBA/AASBO”); Cynthia Zwick; Arizona Community Action Association (“ACAA”); Southwest Energy Efficiency Project (“SWEEP”); the Residential Utility Consumer Office (“RUCO”); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, “ED8/McMullen”); The Kroger Co. (“Kroger”); Tucson Electric Power Company (“TEP”); Pima County; Solar Energy Industries Association (“SEIA”); the Energy Freedom

1 Coalition of America (“EFCA”); Wal-Mart Stores, Inc. and Sam’s West, Inc. (collectively,
2 “Walmart”); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-
3 CIO (collectively, “the IBEW Locals”); Calpine Energy Solutions LLC (“Calpine Solutions”)(formerly
4 Noble Energy Solutions, LLC); the Arizona Competitive Power Alliance (“the Alliance”); Electrical
5 District Number Six, Pinal County, Arizona (“ED 6”), Electrical District Number Seven of the County
6 of Maricopa, State of Arizona (“ED7”), Aguila Irrigation District (“AID”), Tonopah Irrigation District
7 (“TID”), Harquahala Valley Power District (“HVPD”), and Maricopa County Municipal Water
8 Conservation District Number One (“MWD”) (collectively, “Districts”); the Federal Executive
9 Agencies (“FEA”); Constellation New Energy, Inc. (“CNE”); Direct Energy, Inc. (“Direct Energy”);
10 AARP; the City of Sedona (“Sedona”); Arizona Solar Deployment Alliance (“ASDA”); the City of
11 Coolidge (“Coolidge”); REP America d/b/a ConservAmerica (“ConservAmerica”); and Granite Creek
12 Power & Gas and Granite Creek Farms LLC (collectively, “Granite Creek”).

13 On June 14, 2016, APS filed a Notice of Errata.

14 On June 23, 2016, APS filed its Second Notice of Errata.

15 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and
16 associated procedural deadlines for this matter, granting several interventions, and granting several
17 requests to receive service by email.

18 On August 1, 2016, a Procedural Order was issued granting Staff’s request to consolidate the
19 above-captioned dockets,¹ correcting typographical errors in the July 22, 2016 Rate Case Procedural
20 Order, granting interventions, and granting requests to receive service by email.

21 On August 9, 2016, a Procedural Order was issued granting certain interventions, approving
22 certain requests for service by email, and modifying the form of notice required by the July 22, 2016
23 Rate Case Procedural Order.

24 On July 21, 2016, August 24, 2016, September 30, 2016, November 4, 2016, November 18,
25 2016, and November 21, 2016, APS filed copies of presentations from their Rate Case Technical
26 Conferences.

27
28 ¹ Docket No. E-01345A-16-0123 was opened on April 11, 2016.

1 On September 13, 2016, APS filed its certification that public notice of this proceeding was
2 provided as directed in the Rate Case Procedural Order issued July 22, 2016, as modified by the
3 Procedural Order issued August 9, 2016.

4 On October 14, 2016, a Procedural Order was issued granting APS's October 6, 2016 Motion
5 for Procedural Conference and Interim Protective Order, which it filed in response to EFCA's October
6 3, 2016 Notice of Deposition of Barbara D. Lockwood.

7 On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order
8 issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions,
9 CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared at the procedural conference
10 through counsel or lay representative. During the procedural conference, APS, Noble Solutions, CNE,
11 Direct Energy, EFCA, and Staff provided comments and arguments regarding discovery issues, and
12 the matter was taken under advisement.

13 On October 21, 2016, a Procedural Order was issued rescheduling the date of the pre-hearing
14 conference in this matter to March 13, 2017.

15 On November 17, 2016, a Procedural Order was issued setting procedural deadlines regarding
16 the deposition of APS witness Barbara Lockwood.

17 On November 30, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood. The
18 Notice indicated that EFCA and APS settled upon December 15, 2016, at 9:00 a.m. as the date and
19 time of the deposition.

20 On December 5, 2016, EFCA made three filings in regard to its Emergency Motion to Compel
21 Production of Barbara Lockwood Calendar in Advance of Lockwood Deposition.

22 On December 7, 2016, APS filed its Response in Opposition to EFCA's Motion to Compel.

23 On December 7, 2016, APS filed its Motion to Compel.

24 On December 7, 2016, Mr. Gayer filed his Direct Testimony.

25 On December 12, 2016, EFCA filed a Reply in Support of its Motion to Compel.

26 On December 12, 2016, EFCA filed its Emergency Motion to Compel Production of Report
27 Regarding Rate Impact.

28 On December 13, 2016, by Procedural Order, EFCA's Motion to Compel Production of Barbara

1 Lockwood's Calendar was denied and EFCA was ordered to file, no later than December 16, 2016, its
2 Response to Arizona Public Service Company's December 7, 2016 Motion to Compel.

3 On December 13, 2016, EFCA filed a Notice of Withdrawal of its Emergency Motion to
4 Compel Production of Report Regarding Rate Impact.

5 On December 14, 2016, Sunrun, Inc. filed a Notice of Withdrawal as Intervenor.

6 On December 14, 2016, Patricia Lee Refo of Snell & Wilmer LLP filed a Notice of Appearance
7 on behalf of APS.

8 On December 19, 2016, EFCA filed its Response to the Motion to Compel filed by APS.

9 On December 19, 2016, Staff filed a Request for Extension of Filing Deadline.

10 On December 20, 2016, the IBEW Locals filed the Direct Testimony of G. David Vandever.

11 On December 21, 2016, the FEA filed the Direct Testimony of its witnesses Brian C. Andrews
12 and Michael P. Gorman.

13 On December 21, 2016, Mr. Woodward filed his Direct Testimony.

14 On December 21, 2016, a Procedural Order was issued extending the deadline for the filing of
15 Intervenor Direct Testimony to December 28, 2016, approving the request of Sunrun, Inc. to withdraw
16 as an intervenor, and approving SEIA's consent to email service request.

17 On December 22, 2016, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

18 On December 22, 2016, RUCO filed the Direct Testimony of its witnesses John Cassidy and
19 Frank Radigan.

20 On December 27, 2016, Mr. Woodward filed his Motion to Compel APS to Fully Answer Data
21 Requests ("First Motion to Compel").

22 On December 27, 2016, APS filed its Reply to EFCA's Response to APS's Motion to Compel.

23 On December 27, 2016, CNE and Direct Energy each filed a Consent to Email Service.

24 On December 28, 2016, AIC filed the Direct Testimony of its witness Branko Terzic.

25 On December 28, 2016, ED8/McMullen filed the Direct Testimony of their witness James D.
26 Downing.

27 On December 28, 2016, AECC filed the Direct Testimony of its witness Kevin Higgins.

28 On December 28, 2016, Wal-Mart filed the Direct Testimony of its witness Gregory W.

1 Tillman.

2 On December 28, 2016, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

3 On December 28, 2016, EFCA filed the Direct Testimony of its witness Mark E. Garrett.

4 On December 28, 2016, Staff filed the Direct Testimony of its witnesses Ralph Smith, David
5 Parcell, Michael Lewis, and Candrea Allen.

6 On December 29, 2016, APS filed its Notice of Intent of Revenue Requirement Settlement
7 Discussions.

8 On December 30, 2016, APS filed its Notice of Filing Supplemental Testimony, to which was
9 attached the Supplemental Direct Testimonies of Jeffrey M. Burke and Charles A. Miessner, which
10 address APS's proposed valuation of distributed generation exports using the Resource Comparison
11 Proxy ("RCP") Methodology.

12 On December 30, 2016, EFCA filed its Sur-Response to APS's Motion to Compel; Motion to
13 Strike Reply Brief; and Notice of Lodging Sur-Response.

14 On December 30, 2016, EFCA filed its Notice of Deposition of Charles A. Miessner.

15 On December 30, 2016, EFCA filed its Notice of Deposition of Leland R. Snook.

16 On December 30, 2016, APS filed its Response to Mr. Woodward's First Motion to Compel.

17 On January 3, 2017, Mr. Woodward filed his Reply to APS's Response to his First Motion to
18 Compel.

19 On January 4, 2017, APS filed its Response to EFCA's Motion to Strike Reply Brief and Notice
20 of Lodging Sur-Response.

21 On January 5, 2017, APS filed a Motion for Protective Order.

22 On January 6, 2017, EFCA filed its Response to APS's Motion for Protective Order.

23 On January 6, 2017, EFCA filed its Emergency Motion for Expedited Consideration Regarding
24 EFCA's Response to APS's Motion for Protective Order.

25 On January 6, 2017, EFCA filed its Amended Notice of Deposition of Leland R. Snook.

26 On January 6, 2017, Staff filed its Notice of Time and Location for Settlement Discussions.

27 On January 9, 2017, Vote Solar filed its Expedited Motion to Strike and for Procedural Order.

28 On January 9, 2017, a Procedural Order was issued setting a procedural conference for the dual

1 purpose of addressing the issue of incorporating the RCP Methodology into this proceeding, as directed
2 by Decision No. 75859 (January 3, 2017); and for hearing oral argument on APS's Motion for
3 Protective Order, and on responsive pleadings.

4 On January 10, 2017, Mr. Gayer docketed a supplement to his Direct Testimony.

5 On January 11, 2017, the procedural conference convened as scheduled. Appearances were
6 entered by counsel for APS, AIC, ASDA, Vote Solar, SEIA, EFCA, IO, the Alliance, the FEA,
7 ED8/McMullen, PORA, RUCO, and Staff.

8 On January 13, 2017, a Procedural Order was issued rescheduling the hearing date in this
9 matter, along with associated procedural deadlines, in order to facilitate the incorporation of the RCP
10 Methodology into this proceeding pursuant to Decision No. 75859; denying Vote Solar's Motion to
11 Strike; and Granting APS's Motion for Protective Order in regard to EFCA's Notices of Deposition of
12 APS witnesses Leland R. Snook and Charles A. Miessner.

13 On January 13, 2017, EFCA filed its Amended Notice of Deposition of Charles A. Miessner.

14 On January 13, 2017, EFCA filed its second Amended Notice of Deposition of Leland R.
15 Snook.

16 On January 18, 2017, PORA filed a request to allow Mr. Robert Miller, PORA Director and
17 Chair of Utilities Liaison Committee, to appear and represent PORA as an alternative designee to act
18 "with or in the stead or absence of" PORA's representatives Albert Gervenack and Rob Robbins in this
19 proceeding ("PORA's Request").

20 On January 18, 2017, a Procedural Order was issued clarifying that public comment will be
21 taken commencing at 10:00 a.m. on March 22, 2017, which was the publicly noticed first day of hearing
22 in this matter; that the evidentiary portion of this proceeding will commence at 10:00 a.m. on April 24,
23 2017; and that parties who wish to participate in the hearing are required to attend the April 20, 2017
24 pre-hearing conference, which is scheduled to commence at 2:00 p.m.

25 On January 18, 2017, EFCA filed its Motion for Reconsideration of the Approval of APS's
26 Motion for Protective Order.

27 On January 19, 2017, Mr. Woodward filed his Motion to Compel APS to Fully Answer
28 Woodward's Data Request #2.19 ("Second Motion to Compel").

1 On January 19, 2017, EFCA filed a Motion to Associate Counsel Pro Hac Vice.

2 On January 19, 2017, Commissioner Burns filed correspondence.

3 On January 20, 2017, APS filed its Response to Mr. Woodward's Second Motion to Compel.

4 On January 25, 2017, Mr. Woodward filed a Reply to APS's January 20, 2017 Response.

5 On January 27, 2017, Coolidge filed the Direct Testimony of its witness Rick Miller.

6 On January 27, 2017, Kroger filed the Direct Testimony of its witness Stephen J. Baron on Cost
7 of Service and Rate Design issues.

8 On January 30, 2017, Calpine filed notice of its name change (from Noble Americas Energy
9 Solutions, LLC). The service list in this matter has been updated to reflect the new name.

10 On January 31, 2017, Freeport and AECC filed a request to remove C. Webb Crockett from
11 the service list in this matter, and the name has been removed, per the request. However, a change to
12 the designated email address for Freeport and AECC will require further action in the form of a new
13 Consent to Email filing and an email sent from the new designated email address for verification
14 purposes.

15 On February 3, 2017, PORA filed the Direct Testimony of its witness Al Gervenack.

16 On February 3, 2017, the FEA filed the Direct Testimony of its witness Amanda M. Alderson.

17 On February 3, 2017, Walmart filed the Direct Testimony of its witness witnesses Gregory W.
18 Tillman and Chris Hendrix.

19 On February 3, 2017, AIC filed the Direct Testimony of its witnesses Gary Yaquinto, Branko
20 Terzic and Daniel G. Hansen.

21 On February 3, 2017, RUCO filed the Direct Testimony of its witnesses Frank Radigan and
22 Lon Huber.

23 On February 3, 2017, Vote Solar filed the Direct Testimony of its witness Briana Kobor.

24 On February 3, 2017, ACAA filed the Direct Testimony of its witness Cynthia Zwick.

25 On February 3, 2017, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

26 On February 3, 2017, SEIA filed the Direct Testimony of its witness R. Thomas Beach.

27 On February 3, 2017, EFCA filed the Direct Testimony of its witnesses James A. Heidell and
28 Mark E. Garrett.

1 On February 3, 2017, Freeport, AECC, Calpine, CNE, and Direct Energy filed the Direct
2 Testimony of their witness Kevin C. Higgins.

3 On February 3, 2017, AURA filed the Direct Testimony of its witnesses Patrick J. Quinn and
4 Scott Rubin.

5 On February 3, 2017, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

6 On February 3, 2017, Staff filed the Direct Testimony of its witnesses Ralph C. Smith and Matt
7 Connolly.

8 On February 6, 2017, a Procedural Order was issued granting Mr. Woodward's First Motion to
9 Compel, granting PORA's Request for authorization of Robert Miller to represent PORA as an
10 additional lay representative in this matter, and admitting Curt Ledford to appear *pro hac vice* in this
11 matter.

12 On February 7, 2017, Walmart filed a Notice of Errata in filing the Direct Testimony of Gregory
13 W. Tillman and Chris Hendrix (Rate Design).

14 On February 7, 2017, the IBEW Locals filed a Motion for Extension of Time and the Direct
15 Testimony of David Vandever.

16 On February 7, 2017, Commissioner Burns filed correspondence.

17 On February 9, 2017, Mr. Woodward filed a Motion for Clarification.

18 On February 9, 2017, APS filed a Notice of Non-Objection to IBEW Locals' Motion for
19 Extension of Time.

20 On February 9, 2017, APS filed a Response to Mr. Woodward's Motion for Clarification.

21 On February 16, 2017, Karen White, counsel for the FEA, filed a Motion to Associate Counsel
22 Pro Hac Vice.

23 On February 21, 2017, Commissioner Tobin filed correspondence.

24 On February 22, 2017, Chairman Forese filed correspondence.

25 On February 22, Commissioner Burns filed correspondence.

26 On February 24, 2017, APS filed a Request for Extension of Time, and requested expedited
27 consideration.

28 On February 24, 2017, a Procedural Order was issued granting the Request for Extension of

1 Time.

2 On February 24, 2017, Granite Creek filed its Notice of Direct Filing for a Ruling on
3 Unattended Matters in the Matter of Fuel and Purchased Power Procurement.

4 On February 27, 2017, Chairman Forese filed Correspondence.

5 On February 28, 2017, Mr. Woodward filed his Motion to Compel Compliance with February
6 6, 2017 Procedural Order.

7 On March 1, 2017, Staff filed its Notice of Filing Settlement Term Sheet. Exhibit B to the
8 Settlement Term Sheet indicates that the following parties are in support of the Settlement Agreement
9 outlined in the March 1, 2017 Settlement Term Sheet: APS, Freeport, AECC, RUCO, Sun City HOA,
10 WRA, Vote Solar, ASBA, AASBO, AIC, AURA, PORA, AriSEIA, ACAA, Kroger, SEIA, Calpine
11 Solutions, CNE, Direct Energy, EFCA, the Alliance, Walmart, the IBEW Locals, FEA, Sedona, ASDA,
12 Granite Creek, Coolidge, ConservAmerica, and Staff.

13 On March 2, 2017, Staff filed its Request for Modification of Procedural Schedule.

14 On March 2, 2017, Mr. Woodward filed his Motion for Reconsideration of February 6, 2017
15 Procedural Order.

16 Numerous public comments have been filed.

17 APS's Motion to Compel

18 Because APS and EFCA are both in support of the Settlement Agreement, this discovery
19 dispute is moot.

20 Mr. Woodward's Motion to Compel Compliance with February 6, 2017 Procedural Order

21 This Motion will be considered once APS has had an opportunity to respond.

22 Mr. Woodward's Motion for Reconsideration of February 6, 2017 Procedural Order

23 This Motion will not be granted. Mr. Woodward is free to propound additional discovery in
24 relation to the supplemental responses referenced in this Motion.

25 ...

26 ...

27 ...

28 ...

Staff's Request for Modification of Procedural Schedule

Staff requests modification of the current procedural schedule in this matter to accommodate the fact that a settlement has been reached among many of the parties to this case. Staff proposes that the current procedural schedule be modified as follows:

	Current Deadline	Proposed Deadline
APS Rebuttal Testimony	March 3, 2017	N/A
Staff RCP Direct Testimony	March 10, 2017	N/A
APS and Intervenor RCP Rebuttal Testimony	March 31, 2017	N/A
Staff and Intervenor Surrebuttal Testimony	April 14, 2017	N/A
File Settlement Agreement	N/A	March 24, 2017
All Parties File Direct Testimony in Support of/in Opposition of the Settlement Agreement	N/A	April 3, 2017
All Parties File Rebuttal Testimony in Support of/in Opposition of the Settlement Agreement	N/A	April 17, 2017
Pre-Hearing Conference	April 20, 2017	April 20, 2017
Hearing	April 24, 2017	April 24, 2017

Staff indicated that it sent a copy of its proposed schedule to all intervenors in this case and asked for comment by the following day, then subsequently sent a second follow-up email to all intervenors asking parties to get back to Staff by close of business on March 1, 2017, if they had an issue with the proposed schedule. Staff stated that it received no emails or calls indicating that any of the intervenors were opposed to the schedule modifications.

Staff's request for modification of the current procedural schedule is reasonable and will be granted.

IT IS THEREFORE ORDERED that due to the fact that a settlement has been reached among many of the parties to this case, **the current deadlines** for the filing of **APS Rebuttal Testimony, Staff RCP Direct Testimony, APS and Intervenor RCP Rebuttal Testimony, and Staff and Intervenor Surrebuttal Testimony** are hereby **vacated**, as follows:

APS Rebuttal Testimony	March 3, 2017	vacated
Staff RCP Direct Testimony	March 10, 2017	vacated
APS and Intervenor RCP Rebuttal Testimony	March 31, 2017	vacated

Staff and Intervenor Surrebuttal Testimony April 14, 2017 **vacated**

IT IS FURTHER ORDERED that new filing deadlines for the filing of the **Settlement Agreement**, and **Direct** and **Rebuttal Testimony** in regard to the **Settlement Agreement**, are hereby established as follows:

<u>New Filing Requirement</u>	<u>Deadline</u>
File Settlement Agreement	March 24, 2017
Direct Testimony in Support of/in Opposition to the Settlement Agreement (All Parties)	April 3, 2017
Rebuttal Testimony in Support of/in Opposition to the Settlement Agreement (All Parties)	April 17, 2017

IT IS FURTHER ORDERED that the currently established dates, times and locations for public comment, the pre-hearing conference, and the commencement of the evidentiary hearing shall remain in place, as follows:

<u>No Change</u>	
Public Comment (Phoenix)	March 22, 2017, 10:00 a.m.
Pre-Hearing Conference	April 20, 2017, 2:00 p.m.
Evidentiary Hearing commences	April 24, 2017, 10:00 a.m.

IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case Procedural Order** issued in this matter on **July 22, 2016**, for additional information regarding the process to consent to service by email. Information regarding Consent to Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email Service Consent."

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 3d day of March, 2017.


TEENA JIBILIAN
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

On this 3rd day of March, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Sets a Procedural Schedule, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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